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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER

LEE, BENJAMIN C

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/837,228	POPP ET AL.	
	Examiner	Art Unit	
	Benjamin C. Lee	2632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 and 41-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 41,42 and 59 is/are allowed.
- 6) ☒ Claim(s) 1-26,43-58,60 and 61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

Claim Status

1. Claims 1-26 and 41-61 are pending.

Claim Rejections - 35 USC § 103

2. Claims 1-8, 18-23, 43-49, 52-55 and 60-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Granek et al. (US 4,058,167) in view of Powell et al. (WO93/12839) as stand in the previous Office action.
3. Claims 9 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Granek et al. in view of Powell et al. and Eguchi (US pat. #3,909,814) as stand in the previous Office action.
4. Claims 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Granek et al. in view of Powell et al., Eguchi and Fierbaugh (US pat. #4,987,958) as stand in the previous Office action.
5. Claims 14-17 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Granek et al. in view of Powell et al. and Sears (US pat. #6,032,745) as stand in the previous Office action.
6. Claims 24-26 and 56-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Granek et al. in view of Powell et al. and Wootton (US 3,848,231) as stand in the previous Office action.

Allowable Subject Matter

7. Claims 41-42 and 59 are allowed.

Response to Arguments

8. Applicant's arguments filed 12/18/05 regarding claims 1-26, 43-58 and 60-61 have been fully considered but they are not persuasive.

1) Claims 1-26, 43-58 and 60-61 have been rejected using combination of two or more of Granek et al., Powell et al., Eguchi, Fierbaugh, Sears and Wootton, all using Granek et al. as primary reference, where Granek et al. does teach the claimed limitation of discharging fire suppressant material into one of a plurality of storage units experiencing fire stored in a storage area "but not necessarily into other storage units", and the use of alternative wireless links including ultrasonic and radio waves. See rejection for detail.

3) As indicated in the rejection, the application or mounting of the prior art fire detection and extinguishing system to a container instead of to room/compartment in an overall storage area/facility constitutes merely an intended use of the prior art system, and since there exists a one-to-one analogy of the container-in-a-storage area versus room/compartment-in-a-facility that can store objects, one skilled in the art would have readily recognized such intended use as being obvious and therefore would have applied such a known prior art system to a freight container in a storage area as an intended use, especially since secondary prior art (e.g. Powell et al.) discloses known fire detection suppressing for freight storage such as in an aircraft cargo hold. One skilled in the art would have readily recognized that building facilities and aircraft cargo hold environments are but storage environments where fire can occur to damage the environments as well as the objects/cargo/freight stored therein so that they all can benefit from the fire detection and suppression system. Since the suppressant nozzles are located in each of

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the storage compartments in Granek et al. to selectively discharge fire suppressant into a storage compartment where fire is detected, such discharge nozzles in the combined prior art system meet the claimed fire suppression devices as claimed.

4) Regarding the claimed use of infrared signals in the aircraft environment (e.g. in claims 8 and 18), such use as opposed to the use of wireless signals such as ultrasonic or radio signals disclosed by Granek et al. was deemed obvious and was explained in detail in the rejection of claim 8, and therefore was not further reiterated in the rejection of claim 18. In response to Applicant's request for factual support, US 5880867 (see col. 14, lines 28-40 and claims 4 and 8) is hereby cited to applicant as supporting evidence of Examiner's assertion that such use of infrared signals as opposed to radio signals in an aircraft environment to reduce interference is well known in the art and therefore its use is obvious in Granek et al. when used in an aircraft environment vulnerable to signal interference.

5) Remaining arguments are similarly based, and therefore are similarly rebutted as above.

6) In conclusion, Applicant's arguments are not deemed persuasive with respect to the above revise/new ground of rejection, and the above rejection is maintained.


Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin C. Lee whose telephone number is (571) 272-2963. The examiner can normally be reached on Mon -Thu 11:00Am-7:30Pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Benjamin C. Lee
Primary Examiner
Art Unit 2632

B.L.